

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

JAN 20 2012

BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK

K-VA-T FOOD STORES, INC.,

Plaintiff,

v.

MARK D. HUTCHINS,

Defendant.

Case No. 1:11CV00037

JUDGMENT

By: James P. Jones
United States District Judge

For the reasons stated in the Opinion accompanying this Judgment, it is

ADJUDGED AND ORDERED as follows:

1. The Motion for Summary Judgment by K-VA-T Food Stores, Inc. (ECF No. 25) is GRANTED;
2. Judgment is entered in favor of K-VA-T Food Stores, Inc., on its Complaint and it is DECLARED that the said K-VA-T Food Stores, Inc., as Administrator of the K-VA-T Food Stores, Inc. Tax Savings Plan, is entitled to reimbursement of the medical benefits paid on behalf of Mark D. Hutchins in the amount of \$191,948.75, such reimbursement to come from the proceeds of settlement funds currently held by the general receiver of the Circuit Court of Wise County, Virginia, pursuant to the

Agreed Order of Interpleader dated September 14, 2011, in that action styled Mark D. Hutchins, Plaintiff, and K-VA-T Food Stores, Inc., Intervening Plaintiff, versus Jeffery A. Stapleton, Law No. 10-413;

3. The Objections by Mark D. Hutchins to the magistrate judge's Order denying his Motion to Compel (ECF No. 41) are DENIED;
4. The Motion in Limine by K-VA-T Food Stores, Inc. (ECF No. 36) is MOOT; and
5. In the event K-VA-T Food Stores, Inc., hereafter files a timely motion seeking attorneys' fees in accord with Federal Rule of Civil Procedure 54(d)(2), Mark D. Hutchins may file a response thereto within 14 days of service. If such response is timely filed, Plaintiff may reply within 7 days of service.

ENTER: January 20, 2012

/s/ James P. Jones
United States District Judge